

EXHIBIT G

1C Are any one of Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton co-inventors of U.S. Patent No. 7,949,494?

___Yes ___No

1D Are any one of Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton co-inventors of U.S. Patent No. 8,214,175?

___Yes ___No

QUESTION NO. 2. – Patent Invalidity (Derivation, Anticipation and Obviousness)

2A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,346,472 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent’s claim invalid, answer “Yes,” otherwise answer “No” on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			
Claim 3			
Claim 4			
Claim 8			
Claim 11			

2B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,660,700 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent’s claim invalid, answer “Yes,” otherwise answer “No” on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			

Claim 6			
Claim 7			
Claim 8			
Claim 10			
Claim 11			
Claim 40			
Claim 49			
Claim 50			
Claim 51			

2C Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,949,494 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			
Claim 4			
Claim 5			
Claim 11			
Claim 17			
Claim 18			
Claim 20			
Claim 21			
Claim 22			
Claim 29			

2D Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 8,214,175 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 8			
Claim 11			
Claim 12			
Claim 13			
Claim 15			
Claim 16			
Claim 17			

QUESTION NO. 3. – Patent Invalidity (Written Description and Lack of Enablement)

3A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,346,472 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 1		
Claim 3		
Claim 4		
Claim 8		
Claim 11		

3B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,660,700 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent’s claim invalid, answer “Yes,” otherwise answer “No” on each line.

	Written Description?	Enablement?
Claim 1		
Claim 6		
Claim 7		
Claim 8		
Claim 10		
Claim 11		
Claim 40		
Claim 49		
Claim 50		
Claim 51		

3A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,949,494 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent’s claim invalid, answer “Yes,” otherwise answer “No” on each line.

	Written Description?	Enablement?
Claim 1		
Claim 4		
Claim 5		

Claim 11		
Claim 17		
Claim 18		
Claim 20		
Claim 21		
Claim 22		
Claim 29		

3B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 8,214,175 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 8		
Claim 11		
Claim 12		
Claim 13		
Claim 15		
Claim 16		
Claim 17		

QUESTION NO. 4. – Duty of Confidence

4A Has Audible Magic proven by a preponderance of the evidence that Scott Moskowitz received, under a duty of confidence, proprietary information from Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton about their inventions?

___Yes

___No

4B Has Audible Magic proven by a preponderance of the evidence that Blue Spike Inc. received, under a duty of confidence, proprietary information from Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton about their inventions?

☐ Yes ☐ No

4C Has Audible Magic proven by a preponderance of the evidence that Blue Spike LLC received, under a duty of confidence, proprietary information from Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton about their inventions?

☐ Yes ☐ No

QUESTION NO. 5. – Breach of Duty of Confidence

If you answered “Yes” to Question 4 above, then answer Question 5.

5A Has Audible Magic proven by a preponderance of the evidence that Scott Moskowitz breached his duty of confidence by utilizing the proprietary information of Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos. 7,346,472; 7,660,700; 7,949, 494 and/or 8,214,175?

☐ Yes ☐ No

5B Has Audible Magic proven by a preponderance of the evidence that Blue Spike Inc. breached its duty of confidence by utilizing the proprietary information of Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos. 7,346,472; 7,660,700; 7,949, 494 and/or 8,214,175?

☐ Yes ☐ No

5C Has Audible Magic proven by a preponderance of the evidence that Blue Spike LLC breached its duty of confidence by utilizing the proprietary information of Erling Wold, Thom Blum, Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos.

7,346,472; 7,660,700; 7,949, 494 and/or 8,214,175?

☐ Yes

☐ No

QUESTION NO. 6. – Unjust Enrichment

6A Has Audible Magic proven by a preponderance of the evidence that Scott Moskowitz obtained a benefit by fraud, duress, or taking undue advantage?

☐ Yes

☐ No

6B Has Audible Magic proven by a preponderance of the evidence that Blue Spike Inc. obtained a benefit by fraud, duress, or taking undue advantage?

☐ Yes

☐ No

6C Has Audible Magic proven by a preponderance of the evidence that Blue Spike LLC obtained a benefit by fraud, duress, or taking undue advantage?

☐ Yes

☐ No

QUESTION NO. 7. – Patent Unenforceability / Inequitable Conduct

7A Has Audible Magic proven, by clear and convincing evidence, that U.S. Patent No. 7,346,472 is unenforceable due to inequitable conduct?

☐ Yes

☐ No

7B Has Audible Magic proven, by clear and convincing evidence, that U.S. Patent No. 7,660,700 is unenforceable due to inequitable conduct?

☐ Yes

☐ No

7C Has Audible Magic proven, by clear and convincing evidence, that U.S. Patent No. 7,949,494 is unenforceable due to inequitable conduct?

☐ Yes

☐ No

7D Has Audible Magic proven, by clear and convincing evidence, that U.S. Patent

No. 8,214,175 is unenforceable due to inequitable conduct?

☐ Yes ☐ No

QUESTION NO. 8. – False or Misleading Statements (Lanham Act)

8A Has Audible Magic proven by a preponderance of the evidence that Mr. Moskowitz made false or misleading statements about their technology and product, and that such statements violate the Lanham Act?

☐ Yes ☐ No

8B Has Audible Magic proven by a preponderance of the evidence that Blue Spike Inc. made false or misleading statements about their technology and product, and that such statements violate the Lanham Act?

☐ Yes ☐ No

8C Has Audible Magic proven by a preponderance of the evidence that Blue Spike LLC made false or misleading statements about their technology and product, and that such statements violate the Lanham Act?

☐ Yes ☐ No

QUESTION NO. 9. – False or Misleading Statements (Lanham Act) – Willfulness

If you answered “Yes” to any part of Question 8 above, then answer Question 9.

9A Has Audible Magic proven by clear and convincing evidence that Mr. Moskowitz’s false or misleading statements were willful, wanton and calculated to deceive, or were undertaken in bad faith?

☐ Yes ☐ No

9B Has Audible Magic proven by clear and convincing evidence that Blue Spike Inc.’s false or misleading statements were willful, wanton and calculated to deceive, or were

undertaken in bad faith?

___Yes

___No

9A Has Audible Magic proven by clear and convincing evidence that Blue Spike LLC's false or misleading statements were willful, wanton and calculated to deceive, or were undertaken in bad faith?

___Yes

___No

QUESTION NO. 10. – Unfair Competition

10A Has Audible Magic proven by a preponderance of the evidence that Mr. Moskowitz's actions constitute unfair competition?

___Yes

___No

10B Has Audible Magic proven by a preponderance of the evidence that Blue Spike Inc.'s actions constitute unfair competition?

___Yes

___No

10C Has Audible Magic proven by a preponderance of the evidence that Blue Spike LLC's actions constitute unfair competition?

___Yes

___No

QUESTION NO. 11. – Damages For Omitted Co-Inventors (35 U.S.C. § 102(f))

If you answered "Yes" to any part of Question 1, then answer Question 11.

11A What amount is Audible Magic entitled to recover based on the omission of Audible Magic co-inventors from U.S. Patent No. 7,346,472?

\$ _____

11B What amount is Audible Magic entitled to recover based on the omission of Audible Magic co-inventors from U.S. Patent No. 7,660,700?

\$ _____

11C What amount is Audible Magic entitled to recover based on the omission of Audible Magic co-inventors from U.S. Patent No. 7,949,494?

\$ _____

11D What amount is Audible Magic entitled to recover based on the omission of Audible Magic co-inventors from U.S. Patent No. 8,214,175?

\$ _____

QUESTION NO. 12. – Damages For Unjust Enrichment

If you answered “Yes” to any part of Question 6 above, then answer Question 12.

12A What amount is Audible Magic entitled to recover from Scott Moskowitz for unjust enrichment?

\$ _____

12B What amount is Audible Magic entitled to recover from Blue Spike Inc. for unjust enrichment?

\$ _____

12C What amount is Audible Magic entitled to recover from Blue Spike LLC for unjust enrichment?

\$ _____

QUESTION NO. 13. – Damages For Unfair Competition

If you answered “Yes” to any part of Question 10 above, then answer Question 13.

13A What amount is Audible Magic entitled to recover from Scott Moskowitz for unfair competition?

\$ _____

13B What amount is Audible Magic entitled to recover from Blue Spike Inc. for unfair competition?

\$ _____

13C What amount is Audible Magic entitled to recover from Blue Spike LLC for unfair competition?

\$ _____

QUESTION NO. 14. – Exemplary or Punitive Damages

If you answered “Yes” to any part of Question 10 above, then answer Question 14.

14A Has Audible Magic proven by clear and convincing evidence that the harm to Audible Magic resulted from Scott Moskowitz’s fraud, malice or oppression?

___Yes

___No

14B Has Audible Magic proven by clear and convincing evidence that the harm to Audible Magic resulted from Blue Spike Inc.’s fraud, malice or oppression?

___Yes

___No

14C Has Audible Magic proven by clear and convincing evidence that the harm to Audible Magic resulted from Blue Spike LLC’s fraud, malice or oppression?

___Yes

___No

QUESTION NO. 15. – Exemplary or Punitive Damages – Amount

15A What sum of money, if any, if paid now in cash, should be assessed against Scott Moskowitz and awarded to Audible Magic as exemplary or punitive damages, if any, for the conduct found in response to Question 10?

\$ _____

15B What sum of money, if any, if paid now in cash, should be assessed against Blue

Spike Inc. and awarded to Audible Magic as exemplary or punitive damages, if any, for the conduct found in response to Question 10?

\$ _____

15C What sum of money, if any, if paid now in cash, should be assessed against Blue Spike LLC and awarded to Audible Magic as exemplary or punitive damages, if any, for the conduct found in response to Question 10?

\$ _____

The Foreperson must sign and date this verdict form:

DATE

FOREPERSON